



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Trataros Construction, Inc.

File: B-244876

Date: August 28, 1991

DECISION

Trataros Construction, Inc. protests the award of a contract to Sharp Construction Inc. under invitation for bids (IFB) No. F28609-91-B-A012, issued by the Department of the Air Force for the replacement of exterior doors and windows in family housing at McGuire Air Force Base, New Jersey. Trataros protests that Sharp's bid should have been rejected as materially unbalanced.

We dismiss the protest on the basis that Trataros is not an interested party.

The Air Force received 27 bids by the July 10, 1991, bid opening date. Sharp was the apparent low, responsive bidder (\$897,044); Trataros was the twenty-sixth low bidder (\$2,334,480). While Trataros protests the award to Sharp, the protester does not question the eligibility for award of any of the 25 other intervening bids. It appears that a number of other intervening bids would be eligible for award should Sharp's bid be rejected.

Under the bid protest provisions of the Competition in Contracting Act of 1984, 31 U.S.C. §§ 3551-3556 (1988), only an "interested party" may protest a federal procurement. That is, a protester must be an actual or prospective bidder whose direct economic interest would be affected by the award of a contract or the failure to award a contract. 4 C.F.R. § 21.0(a). Determining whether a party is interested involves consideration of a variety of factors including the nature of issues raised, the benefit or relief sought by the protester, and the party's status in relation to the procurement. Black Hills Refuse Serv., 67 Comp. Gen. 261 (1988), 88-1 CPD ¶ 151. A protester is not an interested party where it would not be in line for contract award were its protest to be sustained. ECS Composites, Inc., B-235849.2, Jan. 3, 1990, 90-1 CPD ¶ 7. Since there has been no challenge to the eligibility for award of the intervening bidders who would precede the protester in eligibility under

the IFB, the protester lacks the direct economic interest required to maintain a protest.

The protest is dismissed.


James A. Spangenberg
Assistant General Counsel